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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5269 OF 2007

Shri Shahu Shikshan Prasarak
Seva Mandal & ors. ... Petitioners

V/s

Dhanaji Keshav Waliv & anr. ... Respondents

Mr.M.S.Topkar for the petitioners.

Mr.Mihir Desai for the Respondent No.1.

Mr.R.M. Patne, A.G.P. for the respondent No.2.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 21ST SEPT., 2007.

P.C.:

1. The petition challenges the order of the School Tribunal, Kolhapur passed in Appeal No. 110 of 2002 on 30.4.2007.

2. This appeal was filed by the respondent No.1 in the present petition. Any orders passed in that appeal would affect another employee Mr.V.K.Chougule, who is presently working with the petitioners. The School Tribunal was in error in not directing the 1st respondent to join Mr.V.K.Chougule as a party to the

appeal. The Tribunal ought to have first directed the 1st respondent to join Mr.V.K.Chougule as a party and thereafter decided the appeal, as today the order which has been passed by the Tribunal prejudicially affects V.A.Chougule. The Tribunal has directed the reinstatement of the 1st respondent which would result in unsettling the employment of Mr.V.K.Chougule with the petitioner.

3. Hence, the order of the Tribunal is set aside.

4. The appeal is remanded to the School Tribunal. The 1st respondent shall join Mr.V.K.Chougule as a party to the appeal. The School Tribunal will decide the appeal within a year from today, on all issues after hearing V.A.Chougule as well.

5. All contentions are kept open.

6. Writ petition disposed of accordingly.

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